

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is requested. Claims 1 and 3 are now in the case. Claim 2 has been canceled. Claim 1 has been amended to recite that sucrose is mixed at a concentration of about 4.5% with the fibrinogen, the factor XIII, the thrombin, and the calcium. The Office previously indicated the allowability of claims that included this limitation (see, Paper No. 13 in parent application Serial No. 09/303,821). Claim 3 has been amended to depend from claim 1 and to provide proper antecedent basis. No new matter has been added.

The specification has been amended to correct obvious typographical and clerical errors. At page 18, line 21, "rhFS" has been replaced with "rhFXIII". This clerical error is readily evident from the context, including both the remainder of the paragraph and Fig. 12. See also, page 18, line 30.

Applicants' representative thanks the Examiner for the courtesy extended in the telephonic interview of June 12, 2003. On the basis of that interview it is understood that the above amendments to claims 1 and 3 will be entered.

Priority

The Office believes that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. In particular, the Office believes that there is no support for the limitation "at least 3 μ g of factor XIII per mg of fibrinogen" recited in claims 2 and 3 in the '821 (parent) application. The Office further believes that both the instant specification and the '821 application describe, inter alia, 3-10 or 3-74 μ g of factor XIII per mg of fibrinogen.

Applicants have canceled claim 2 and amended claim 3. Claims 1 and 3 (as amended) include the limitation that "the factor XIII is present in solution at a concentration of 3-10 μ g of factor XIII per mg of fibrinogen present in solution", a range that the Office has acknowledged is disclosed in the parent application. In view of these amendments, the instant application is believed to be a proper continuation of the '821 application. Acceptance of Applicants' priority claim is requested.

Oath/Declaration

A substitute Combined Declaration for Patent and Power of Attorney is enclosed herewith. The substitute Declaration claims priority from application Serial No. 09/303,821 under 35 U.S.C. 120.

Specification

The specification was objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter, in particular, the limitation "at least 3 μ g of factor XIII per mg of fibrinogen" recited in claim 2.

This objection is believed to have been obviated by the cancellation of claim 2.

Rejection Under 35 U.S.C. § 103

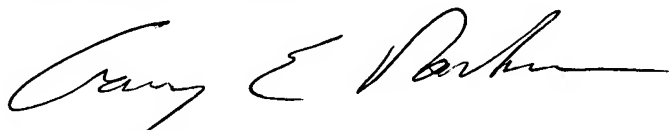
Claim 1-3 stand rejected under 35 U.S.C. § 103 (a). The Office believes that the claims are unpatentable over Lewis et al. or Prunkard et al., both in view of MacPhee et al. and Tse et al.

Applicants believe that this rejection has been overcome by the amendment of claims 1 and 3 to recite that sucrose is mixed at a concentration of about 4.5% with the fibrinogen, the factor XIII, the thrombin and the calcium. The Office has previously indicated that claims of this scope would be allowable if presented in independent form.

A Request for Continued Examination under 37 C.F.R. 1.114 and an Information Disclosure Statement are enclosed.

Applicants believe that each rejection and objection has been addressed and overcome. Reconsideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6673.

Respectfully Submitted,



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Enclosures:

- Declaration and Power of Attorney
- Amendment Fee Transmittal (in duplicate)
- Request for Extension of Time
- Request for Continued Examination (in duplicate)
- Information Disclosure Statement
- Postcard

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